

Mr. Metcalfe
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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-194739

DATE: June 27, 1980

MATTER OF: Gordon E. Browning

DIGEST: Matters relating to an allegation of improper determination of the qualifications for compensation of the teaching position of an employee of the Department of Defense Overseas Dependents' Schools are for the employing agency, not GAO, and GAO has no authority to change the agency's determination. Therefore, an employee's claim for additional pay based on work experience which the agency found not qualifying may not be allowed.

Dr. Gordon E. Browning requests reconsideration of our Claims Division's February 5, 1979 denial of his claim for loss of salary due to retroactive correction of the determination of his pay schedule based upon teaching experience from Class III step 8 to Class III step 6. Since this Office has no authority to settle claims of this type on any basis other than the determination of qualifications for compensation established by the agency regulations, we affirm the denial of his claim.

Dr. Browning was employed by the Department of Defense Dependents Schools, Europe, as a School Psychologist, Class III, on March 2, 1976. He was informed his pay would be based upon his qualifying experience. On December 15, 1976, he was advised that his pay set at Class III step 8 was in error, that the correct rate should have been at Class III step 6, and that he was not eligible for a step increase at the beginning of the school year 1976-77. Thereafter, he filed a grievance with the Department of the Army (which administers the Dependents' Schools in Europe) on the pay schedule determination and step increase actions. The grievance was considered and denied.

By letter dated April 3, 1978, Dr. Browning submitted a claim for loss of salary on the same basis upon which he had filed the grievance. That is, he contended in essence that certain Job Corps experience he had should have been credited as experience for pay fixing purposes in his position with the Dependents' Schools. The claim was denied by our Claims

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Division based upon a conclusion that the agency had correctly applied applicable regulations and no legal basis existed for payment. In his appeal, Dr. Browning requests a review of the denial of his claim.

The pay of overseas teachers is governed entirely by the provisions of the Defense Department Overseas Teachers' Pay and Personnel Practices Act, Public Law 86-91, July 17, 1959, as amended, 20 U.S.C. 901-907. Section 4 of that act, now 20 U.S.C. 902 authorizes the Secretary of Defense to prescribe regulations governing among other things the entitlement of teachers to compensation and the payment of compensation to teachers. 50 Comp. Gen. 191 (1970). Further, under 20 U.S.C. 903, the appropriate Secretary of each military department in the Department of Defense (DOD) shall conduct the employment and salary practices applicable to teachers and teacher positions in his military department.

The determinations of the qualification experience for each pay level of the teaching positions are generally matters for the teacher's employing agency based upon DOD regulations. The Army interpretation of the applicable regulation (DOD Directive No. 1400.13, August 28, 1970) on salaries and personnel practices applicable to overseas teachers was that the Job Corps employment of Dr. Browning would not qualify as teaching experience for the higher pay step. There is no indication in the record to indicate that that determination was incorrect. Further, the General Accounting Office has no authority to set qualifications or change them as that action is solely within the jurisdiction of DOD.

Accordingly, the action of our Claims Division denying Dr. Browning's claim is sustained.


Acting Comptroller General
of the United States